



Forest Heights Police Department Policy and Procedures Manual

Subject:	Excessive Force Complaints			
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A. Purpose

To establish criteria by which the State's Attorney's Office will be notified when a complaint of excessive force is received against a Forest Heights Police Department (FHPD) officer.

B. Initiating the Complaint

1. Before the State's Attorney Office will review any complaints against a FHPD officer accused of using excessive force during the course of his official duties as a law enforcement officer, a sworn and notarized complaint must first be filed with the FHPD.
2. The FHPD Chief of Police will determine if the complaint will be investigated by the FHPD or by a requested outside allied law enforcement agency.

C. Preliminary Investigation

1. Where a complaint has been filed in accordance with the procedure outlined in B. of this section, and the complainant is dissatisfied with the results of the investigation, or 90-days have elapsed without a decision being made, the complainant may contact the Screening and Investigative Division of the State's Attorney's Office to discuss having the State's Attorney's Office review the incident.
2. The complainant must provide a written statement, under oath, to the State's Attorney's Office outlining the specific basis for the complaint of excessive force. If the complaint, on its face, does not allege such use of excessive force as to amount to possible criminal conduct, the State's Attorney's Office will not investigate the matter. The State's Attorney's Office is responsible for criminal prosecutions and will not become involved in reviewing complaints that do not allege criminal conduct.
3. If, on its face, the complaint filed with the State's Attorney's Office, alleges the use of excessive force amounting to criminal conduct, the State's Attorney's Office will conduct a preliminary investigation into the complaint.
 - a. At the conclusion of the preliminary investigation, if the results indicate a full investigation is appropriate, one will begin.
 - b. If a full investigation results in a conclusion that the conduct alleged does not amount to criminal conduct, or is otherwise unfounded or without merit, the investigation will be terminated.

D. Grand Jury

1. Where the initial complaint is insufficient to merit a preliminary investigation, or where a preliminary investigation does not cause the State's Attorney's Office to conduct a full investigation, neither the initial investigation nor the preliminary investigation will be presented to the grand jury.
2. At the conclusion of a full investigation, and only when approved by the State's Attorney, the results of the investigation may be presented to the Grand Jury for consideration.
3. Prior to the presentation of evidence to the grand jury, concerning allegations of excessive force by a law enforcement officer, arising out of the performance of his official duties, the Chief of the Screening and investigations Division will schedule a meeting with the State's Attorney, Deputy State's Attorney in charge of Operations and the Chief of the Criminal Trials Division. At that meeting the Chief of the Screening and Investigations Division will detail the results of the investigation. Except with prior approval of the State's Attorney's Office, no indictment shall be sought from the grand jury, nor other charging document filed by the State's Attorney's Office,

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against any law enforcement official accused of the use of excessive force, arising out of the performance of the duties of a law enforcement official.

E. Other Circumstances

This policy does not preclude the State's Attorney's Office, in an appropriate case from initiating an investigation at any time. It is intended, however, that except in unusual or exceptional circumstances, that the procedure set forth herein will be followed.

F. Press or other Inquiry from Public/Notification on Final Decision

1. In all instances of allegations of excessive force where there are inquiries from the media or other members of the public, the response of the State's Attorney's Office shall be limited to explaining the FHPD policy, as detailed herein, for handling the type of incident at issue.
2. Except as provided herein, any comments as to whether or not the action of the FHPD officer was justifiable, or other matters pertaining to the investigation shall not be the subject of comment to the media or members of the public until the investigation has been completed.
3. At the conclusion of the investigation, any comments from the State's Attorney's Office shall be limited to those authorized by the official "Policy of the State's Attorney's Office Regarding Release of information to the Press."
4. Where a grand jury or State's Attorney's Office has concluded that the allegations of excessive force by the officer were not proven or that there is insufficient credible evidence to warrant a criminal prosecution, the press and members of the public may be so advised.
5. Efforts should be made to notify the parties involved prior to any public comment as to the outcome of the investigation.
6. Where an indictment or other charging document is to be filed against an officer, the FHPD Chief should be notified prior to any public release of charges against the officer.